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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,209	06/20/2003	Dhananjay V. Keskar	042390.P16126	9022
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INTEL/BSTZ			EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			SMITH, CREIGHTON H	
1279 OAKMEAD PARKWAY				
SUNNYVALE, CA 94085-4040				
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			04/30/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,209

Applicant(s)

KESKAR ET AL.

Examiner

CREIGHTON SMITH

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 MAR '09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7, 9, 10, 12-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) 3, 8, 11, 15, 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Applicant's arguments filed on 30 MAR '09 have been fully considered but they are not persuasive. Applicant argues that Bork et al do not utilize any personalized user schedule information. Examiner agrees. However, it is O'Neill et al that examiner is relying on to teach the user's schedule info, where in P.0076 O'Neill et al disclose a Personal Information Manager that keeps a calendar for the customer/user. Applicant further argues that "nothing in either reference 'teaches or suggests' combining Bork et al teachings of environmental and location information with O'Neill et al teaching of user's schedule information and then user that information with user defined preferences. It is not the old TSM test that is relied upon to determine whether it is obvious to combine the references, but rather the new common sense test created by the USSC in KSR INTERNATIONAL Co. v. TELEFLEX INC. et al. Additionally, Bork et al disclose in col. 10, lines 61 et seq. a menu for the optimum alert sequence where the user defines different alerts for different types of environments, such as quiet, noisy, day, night, etc. This meets applicant's newly added language of "user defined preferences."

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7, 9, 10, 12-14, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al in view of O'Neill et al.

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Bork et al wireless communication device has an intelligent alerting system, col. 3, lines 34-36. The wireless device has an alerting system that is determined from the operating environment. The terminal's CPU will adjust the audio, visual, and tactile alerting signals based on a user's "physical context information," col. 2, lines 4-6 & 57-65, where Bork et al discloses that the wireless device samples the noise levels surrounding the terminal and other inputs such as light sensing, temperature sensing, motion sensing and the date. Bork's light, temperature, and motion sensing inputs read upon applicant's "physical context information" and Bork's real-time clock including date reads upon applicant's "location information." Also see col. 6, lines 53-60; col. 7, lines 53-61. Bork et al disclose a real-time clock 202 (including date) – col. 9, lines 42 et seq. The date, i.e., the "time of day" disclosed by Bork et al reads upon applicant's location information.

Bork et al fail to disclose that schedule information is one of the inputs that is going into their alerting system. However, O'Neill et al do disclose in P.0076 a Personal Information Manager that keeps a calendar for the customer notifying him/her of appointments, meetings, deadlines, etc. To have incorporated O'Neill et al teaching of using a calendar/scheduling information as part of the alerting/notifying means in Bork et al wireless device would have been obvious to a person having ordinary skill in the art because both Bork et al and O'Neill et al are disclosing different input means that are used to generate alerts in mobile devices, and the skilled artisan in the wireless arts, with these 2 references in front of her, would have found them readily combinable because of the fact that different inputs are being used to generate the alerts in Bork than in O'Neill, but

common sense would show that the alerts of either reference could easily be used in the other reference. For claim 2, Bork et al disclose in col. 2, line 7 that the mobile device will modify its behavior notification by generating either a tactile or visual signal. This meets applicant's limitation of claim 2 of a flashing display screen and a blinking LED. For claim 4, Bork et al disclose in col. 2, lines 35 et seq. that one of the physical pieces of information is passive audible sensing of the environment which meets applicant's limitation in claim 4 of "ambient noise information." In lines 56 et seq. of col. 2, Bork et al disclose some other physical pieces of information that affect the alerting signal in the wireless device are: Light sensing, temperature sensing, and motion sensing. For claim 18, see Bork et al, cols. 10-11, lines 65-67 & 1-4.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to
CREIGHTON SMITH at telephone number (571)272-7546.

29 APR '09

/CREIGHTON SMITH/
Examiner of Art Unit 2614